

Byron Bay Bypass

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Compliance Report

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Contract No. 2001862

Byron Bay Bypass Construction

Six Monthly Compliance Report #1

July 2019 to December 2019

**In accordance with Land and Environment Court Appeal No. 2016/227775 Condition of
Consent No.30**

REVISION REGISTER

Rev.	Date	Prepared by	Reviewed by	Approved by	Remarks
0	13/01/2020	Matthew Gil	L Hansberry	C Sharpe	

REVISION STATUS

Rev.	Section Changes
0	Initial Submission

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1 Introduction

1.1 Background

The Byron Bay Bypass (the 'project') encompasses the construction of a town centre road bypass to the west of the rail corridor in Byron Bay. The project involves upgrading the existing Butler Street and extending the southern end of the Butler Street road reserve to cross the rail line and connect with Browning Street.

Byron Shire Council (Council) submitted a development application and environmental impact statement (EIS) for the project in January 2016. The project was approved by Northern Joint Regional Planning Panel (JRPP) on 22 June 2016. The determination by the JRPP was appealed in the Land and Environment Court (LEC)(Appeal No. 2016.227775) by the Butler Street Community Network Incorporated. The LEC granted consent to the project on 2 June 2016 and dismissed the appeal. The LEC decision found that consent only applied to the area of the project within the SEPP 14 wetland boundary of the Butler Street road reserve south of the existing formation, part of the former rail corridor Lot 4729 DP1228104 and part of Lot 8 DP818197. The SEPP14 wetland area for which the consent applies to has been named Stage 2.

Construction on the upgrade of the existing Butler Street begun on 15 July 2019, construction is still underway. Construction of Stage 2 has not commenced and is expected to be undertaken in the next reporting period.

1.2 Purpose

This report has been prepared to fulfil the requirements of the LEC Conditions of Consent (CoC) No. 30 which includes a report to be submitted to Council every six months to ensure adequate environmental performance over the duration of construction works. The CoC applies for the area within the SEPP14 wetland boundary of the Butler Street road reserve south of existing formation and part of Casino-Murwillumbah Railway Line Corridor Lot 4729 DP 1228104, and part of Lot 8 DP 818197.

Table 1-1 identifies how this report addresses the requirements of CoC 30. A map displaying the location for which the CoC apply is shown in Figure 1-1.

This is the first six-monthly compliance report for the requirements of CoC 30 and covers the period from 15 July 2019 to 15 January 2020 (the 'reporting period').

Table 1-1 Compliance with Conditions of Consent No.30

Requirement	Where addressed
The Proponent shall submit to Council reports in respect of the environmental performance of the construction works and compliance with the CEMP and any other relevant conditions of this approval. The Reports shall be prepared six months after the start of construction and thereafter at six monthly intervals or at other	This report

Requirement	Where addressed
<p>such periods as requested by the Council to ensure adequate environmental performance over the duration of the construction works.</p> <p>The Reports shall be submitted no later than one month after the six month period to which they apply and are to be certified by the Project Manager to confirm that all EMP requirements and Approval conditions have been complied with.</p> <p>The Report(s) shall include, but not be limited to, information on:</p>	
(a) applications for consents, licences and approvals, and responses from relevant authorities;	Section 2
(b) implementation and effectiveness of environmental controls and conditions relating to the work undertaken;	Section 3
(c) identification of construction impact predictions made in the EIS and any supplementary studies and details of the extent to which actual impacts reflected the predictions;	Section 4
(d) details and analysis of results of environmental monitoring;	Section 5
(e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature;	Section 6
(f) the plan to be adopted for the project to ensure continued compliance over the coming six month period; and,	Section 7
(g) any other matter relating to the compliance with the conditions of this approval or as requested by Council.	Section 8
<p>The report(s) shall be provided to the EPA, OEH and BSC, and any other relevant government agency. The report(s) shall also be made publicly available.</p>	<p>This report will be provided to the Environment Protection Authority (EPA), Department of Primary Industries (DPI), Office of Environment and Heritage (OEH) and Byron Shire Council (BSC).</p> <p>BSC shall make the report(s) publicly available.</p>



Requirement	Where addressed
<p>The Proponent shall ensure that it has an internal audit system and that internal audits are undertaken and endorsed by the Project Manager every three (3) months to ensure compliance with the EMP, the conditions of approval and all other relevant licences and approvals. Each audit must be completed within 6 weeks of the end of the 3 month period and be made available to Council upon request.</p>	<p>An internal audit system has been implemented. Audits are undertaken every three months to ensure compliance with the CEMP and EMP, the conditions of approval and all other relevant licences and approvals.</p> <p>Audits are made available to Council.</p>

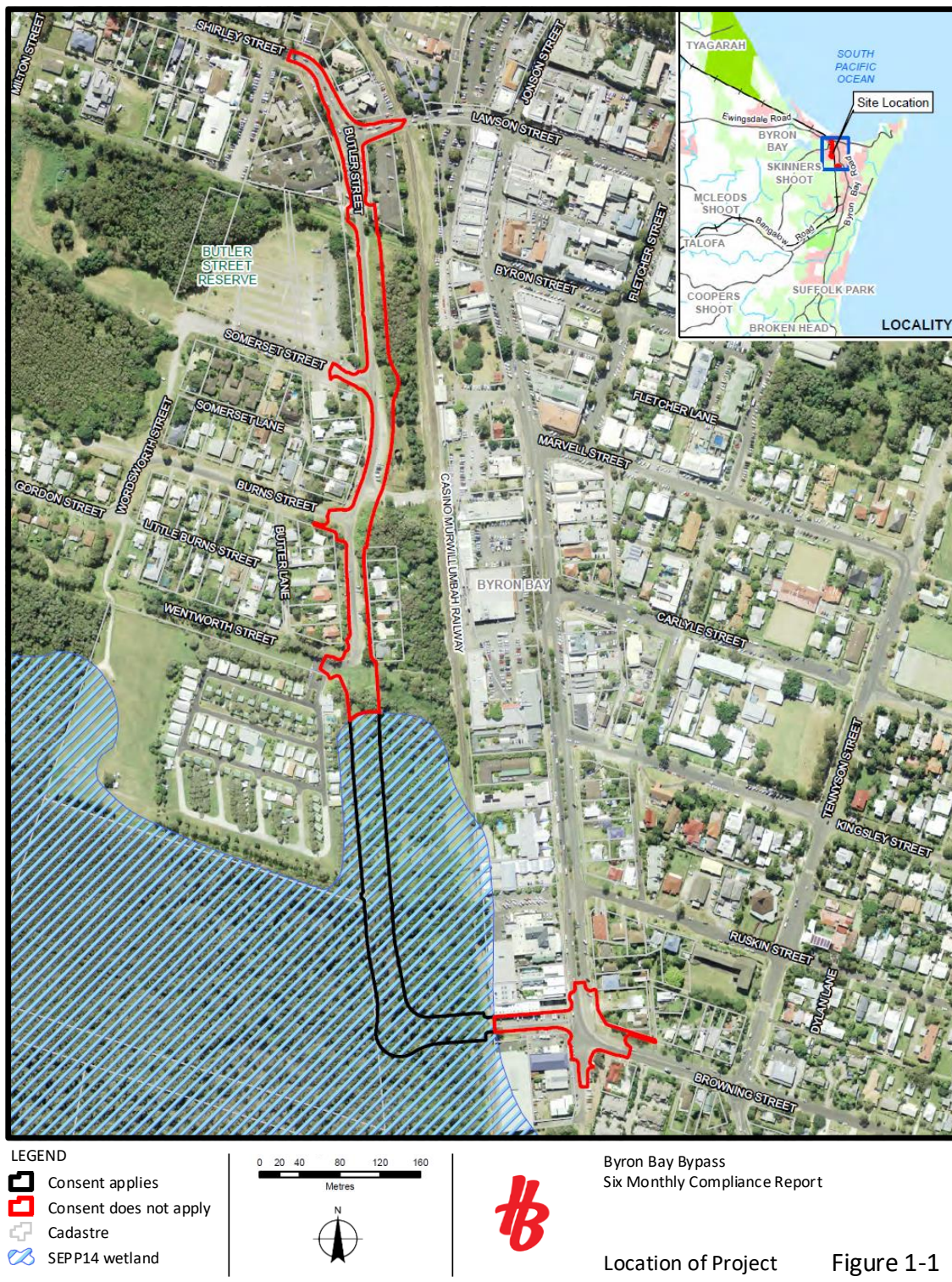


Figure 1-1 Location of Project. The CoC apply to the area outlined in black. Source: GHD, 2015

1.3 Hazell Bros environment policy

Hazell Bros Group is committed to undertaking its business in a manner that provides for the protection of the environment by the integration of environmental programs into our daily business activities at all workplaces. We will achieve this by:

- Establishing, maintaining and promoting an effective Environmental Management System that is appropriate to our business, complies with applicable laws and regulations and meets the requirements of AS/NZS ISO 14001.
- Promoting a culture of responsible environmental management with all stakeholders.
- Taking all practical steps to protect the natural environment, preserve biodiversity and prevent pollution.
- Identifying, reporting, investigating and resolving all environmental incidents and non-conformances.
- Continuing to look at ways to minimise waste, reduce energy and greenhouse gas emissions.
- Striving for continual improvement in environmental performance by regularly reviewing business operations, monitoring, identifying and implementing opportunities for improvement.
- Establishing and reviewing measurable and defined objectives and targets aimed at minimising environmental harm.

2 Consents, Licences and Approvals

Table 2-1 identifies the consents, licences and approvals obtained or renewed for the Byron Bay Bypass to 15 January 2020. No additional consents, licences or approvals were sought during the reporting period.

Table 2-1 Consents, licences and approvals acquired.

Item	Administering authority	Status (to December 2019)
Fisheries Management Act 1994: Part 7 Permit No. PN17/287	Department of Primary Industries	Granted 13 September 2017. Extension granted 16 August 2019. Valid to 13 September 2021.
Heritage Act 1977: Section 60 Permit S60/2018/116	Heritage Council of New South Wales	Section 60 Permit granted 6 September 2018. Valid to 6 September 2023.
Threatened Species Conservation Act 1995 (repealed): BioBanking statement under Part 7A BioBanking Statemen ID 19	OEH	BioBanking statement Part 7A issued 21 December 2015

Rail Safety National Law: Interface and/or deed agreement. Agreement No. AGR-13233 and AGR-13234	John Holland Rail Country Regional Network	Interface agreement granted 6 June 2019. Valid to 14 June 2023.
Roads Act 1993: Section 138 Approval	Transport Roads and Maritime Services	Received 7 August 2015

3 Environmental Controls

This section discusses the implementation and effectiveness of the site environmental controls during the reporting period. Section 3.1 provides an outline of the activities undertaken during the reporting period and how environmental controls were implemented.

3.1 Overview

During the reporting period no construction has begun in the Stage 2 area. Only the following preliminary activities were undertaken:

- Baseline water quality monitoring
- Survey to identify clearing limits

3.2 Effectiveness of Environmental Controls

Since no construction works were undertaken during the reporting period, the extent of environmental controls implemented within the stage 2 area was limited to:

- Hygiene procedures to prevent the spread or introduction of weeds and pathogens – All personnel cleaned and disinfected their boots and equipment prior to entering the SEPP14 wetland area.

Key measures to ensure the effectiveness of the hygiene protocol, included inducting all personnel entering the wetland with the site-specific CEMP induction.

3.3 Environmental Incidents and Non-Conformances

There were no environmental incidents during the reporting period.

4 Actual Environmental Impacts

As construction has not commenced there is no comparative data.

5 Environmental Monitoring

This section provides details and analysis of the results of the environmental monitoring conducted during the reporting period.

5.1 Surface Water Quality

Surface water quality monitoring was undertaken in accordance with the monitoring program and locations described in Section 5 of the Soil and Water Management Sub-Plan (GHD, 2019). The monthly surface water quality monitoring locations and data is provided in Appendix A.

5.1.1 Pre-construction results compared to ANZECC trigger values

Results of baseline water quality monitoring were compared to ANZECC (2000) default trigger values for lowland rivers in moderately disturbed ecosystems in south east Australia (shown in Table 5-1).

Monitoring during the reporting period show that results are often outside of default trigger values for lowland rivers in south east Australia (ANZECC, 2000).

Table 5-1 ANZECC (2000) default trigger values for lowland rivers

Parameter	ANZECC (2000) Default Trigger Values	
	Lower Limit	Upper Limit
pH	6.5	8.0
Electrical conductivity (mS/cm)	0.13	2.20
Turbidity (NTU)	6	50

Results outside ANZECC default trigger values at the downstream site (SW5) occurred as follows:

- Below lower limit for pH during August, September and October
- Above turbidity limit during September, October and December
- Above 50 mg/L for total suspended solids during December

Results outside ANZECC default trigger values at the upstream site (SW6) occurred as follows:

- Below pH lower limit during August and December
- Above 50mg/L for total suspended solids during September

Results outside ANZECC default trigger values at the upstream site (SW7) occurred as follows:

- Below pH lower limit during August, September and October
- Above 50mg/L for total suspended solids in September

The water quality results collected prior during the reporting period and until commencement of construction will be used to establish a baseline for local water quality and water quality improvement criteria in accordance with Section 5 of the Soil and Water Management Sub-Plan (GHD, 2019). Once baseline monitoring is complete, the site-specific baseline criteria will be included in the Soil and Water Management Sub-Plan in the EMP.

5.2 Rainfall

Daily rainfall was monitored during the reporting period using data provided by the Bureau of Meteorology and a site weather station. Results for daily rainfall monitoring are found in Appendix B.

6 Community Relations Management

There have been no construction activities within the Stage 2 area.

7 Continuing Environmental Compliance

Construction activities for Stage 2 works in the SEPP14 wetland area are expected to commence during the next reporting period. During construction, management actions and environmental controls outlined in the CEMP (GHD, 2019) and EMP (HB, 2019) will be followed to ensure compliance and minimise the risk of environmental impacts.

8 Other Compliance Matters

There were no other matters relating to compliance with the CoC during the reporting period.



9 Certification

As demonstrated by this report, all EMP and Approval conditions have been complied with during construction.

A handwritten signature in black ink, appearing to read 'Chris Sharpe', with a long horizontal flourish extending to the right.

Chris Sharpe

Project Manager

Hazell Bros Group



References

Byron Bay Bypass: Review of Environmental Factors (GHD, October 2017)

Byron Bay Bypass: Addendum Review of Environmental Factors (GHD, March 2019)

Byron Bay Bypass Environmental Management Plan (HB, 2019)



Appendix A – Surface Water Quality Monitoring Data

Baseline surface water quality monitoring results for the reporting period. Field notes recorded as dry indicate that there was no surface water present during that monitoring event. No surface water was present during all monitoring events at SW3 and SW4. Exceedances of ANZECC (2000) guidelines are in bold.

Monitoring Location	Date	Field Notes	pH	Electrical Conductivity	Turbidity	Total Suspended Solids
			pH unit	mS/cm	NTU	mg/L
SW5	Aug-19		5.76	0.908	30.2	21
SW6	Aug-19		6.35	0.709	10.8	59
SW7	Aug-19		5.41	0.783	31.9	47
SW5	Sep-19		5.89	1.87	39.8	45
SW6	Sep-19		6.77	0.314	8.2	6
SW7	Sep-19		4.65	2.01	80.9	53
SW5	Oct-19		6.06	2.22	84.9	31
SW6	Oct-19	Dry	-	-	-	-
SW7	Oct-19		5.9	3.38	98.7	45
SW5	Nov-19	Dry	-	-	-	-
SW6	Nov-19	Dry	-	-	-	-
SW7	Nov-19	Dry	-	-	-	-
SW5	Dec-19		6.57	0.608	55.8	108
SW6	Dec-19		6.19	0.344	27.6	17
SW7	Dec-19	Dry	-	-	-	-
ANZECC (2000) Default Trigger Values for lowland rivers in south east Australia						
			6.5-7.5	0.125-2.20	50	<50*

*Generally adopted value for Total Suspended Solids



Appendix B – Daily Rainfall Data

Daily rainfall data for the reporting period (BOM, 2019).

Day	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
1	0.2	20.6	0	0	0	8.6
2	5.2	15.4	0	0	1	15.6
3	0	8.4	0	0	0	0.2
4	0	0.2	0	0	0	0
5	6.8	0	0	0	0	0
6	2.8	0	0	0	0	0
7	2.6	0	0	0	0	0
8	2.8	0.6	0	0.2	0	0
9	0	0	0	0	0	0
10	0.2	0	0	0.4	0	0.2
11	0	0	1.4	2.8	0	0
12	0	0	0.2	7.4	0	1
13	0	0	0	2.4	0	3.6
14	0	0	0	0	0	4.8
15	0	0	0	0	0	0
16	0	0	0	0	0	0
17	0	0	0	0	0.2	0
18	0	0	1	3	7.8	0
19	0	0	0	0	0	0
20	0	0	0	0	0	0
21	0	0	3.6	0.2	0	0
22	0	0	0	1.4	0	0
23	0	0	0	0.2	0	1.6
24	0	0	0	0	0	11.6
25	0	0	0	0	0	38.6
26	5.6	0	0.4	0	0	2.4
27	0.2	0.2	1.6	0	0	0
28	0	0.2	0	0	0	0
29	0	0.2	0	0	0.6	0
30	0	0	0	0	2	0
31	11.2	0		0		0